

REMARKS

Reconsideration And Allowance Are Respectfully Requested.

Claims 1-9 are currently pending. Claims 10-13 have been withdrawn based upon the prior Restriction Requirement. Claims 1 and 6 have been amended. No claims have been added or cancelled. No new matter has been added. Reconsideration is respectfully requested.

With regard to the rejections under 35 U.S.C. §112 and the claim objections, Applicant has amended claim 6 so as to define “ a frangible ampoule”. In addition, claims 1 and 6 have been amended so as to define “A method of fabricating and using a cyanoacrylate adhesive,...”.

With regard to the rejection of claims 1 and 6 based upon the meaning of the term “coincidentally”, Applicant would like to clarify that the term is utilized as meaning subsequently (but within a limited period of time). As such, the Examiner’s interpretation is believed to be correct and further amendment is not believed to be necessary.

As these objections and rejections have been addressed, Applicant respectfully requests that they be withdrawn.

With regard to the rejections based upon prior art, claims 1-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over International Publication No. WO 96/14292 (Dyatlov ‘292) further, claims 1-5 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,667,031. These rejections are respectfully traversed in view of the preceding amendments and the remarks which follow.

With regard to the rejections based upon Dyatlov ‘292, Applicant has substantially amended claims 1 and 6. As such, these claims are believed to overcome the disclosure of the Dyatlov. In

particular, claim 1 has been amended so as to define a method for the use of an adhesive comprising the steps of providing an adhesive composition of cyanoacrylate and a stabilizing agent, presenting a substrate to receive at least a portion of the cyanoacrylate adhesive and applying the cyanoacrylate adhesive to the substrate. The improvement is achieved by removing the stabilizing agent from the cyanoacrylate adhesive composition coincidentally with the application of the substrate. The stabilizing agent is removed from the cyanoacrylate adhesive by contacting the adhesive composition with a particulate agent and subsequently isolating the particulate agent and the stabilizing agent from the cyanoacrylate adhesive. Claim 6 has been similarly amended.

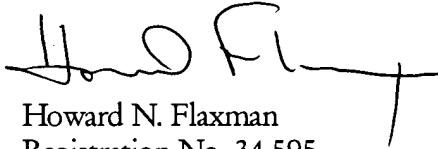
Although Dyatlov '292 does disclose the use of particulates, the particulates are utilized for the purpose of removing by products and excesses of reactions incorporating acidic substances to synthesize cyanoacrylate monomers. The disclosed particulates act as a destabilizing agent because their performance relies on the constant purging of sulfur dioxide to prevent the cyanoacrylate from polymerizing. This is substantially different from the claimed approach in which stabilizing agents are removed via a step consisting essentially of contacting the cyanoacrylate composition with a particulate agent and subsequently containing the particulate agent and the stabilizing agent from the cyanoacrylate adhesive.

As such, it is Applicant's opinion that amended claims 1 and 6 overcome the teachings of Dyatlov '292 and Applicant respectfully requests that the outstanding rejection be withdrawn. With regard to those claims dependent upon independent claims 1 and 6, they are believed to overcome the prior art of record for the reasons presented above and Applicant respectfully requests that these rejections also be withdrawn.

With regard to the double patenting rejection based upon U.S. Patent No. 6,667,031, Applicant submits herewith a Terminal Disclaimer. The Terminal Disclaimer is believed to obviate the double patenting rejection and Applicant respectfully requests that this rejection be withdrawn.

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact Applicant's representative at the below number.

Respectfully submitted,



Howard N. Flaxman
Registration No. 34,595

WELSH & FLAXMAN LLC
2450 Crystal Drive, Suite 112
Arlington, VA 22202
Telephone No. (703) 920-1122

Our Docket No. AZE-001